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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/458,077 12/10/99 SHIMOE

N 2038-230

EXAMINER

QM12/0530

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KIDWELL, M
ART UNIT

PAPER NUMBER

3761
DATE MAILED:

05/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/458,077

Applicant(s)

SHIMOE ET AL.

Examiner

Michele M. Kidwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

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DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "19" and "21" have both been used to designate bottoms. Correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

- Reference character "19" has been used to designate both second grooves and bottoms.
- Reference character "18" has been used to designate both first grooves and a groove.
- Reference character "24" has been used to designate both release paper and the inner surface of an undergarment.

Correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference character "26" has not been mentioned in the specification. Correction is required.

Specification

The disclosure is objected to because of the following informalities: some parts of the disclosure appear to be a literal translation into English from a foreign document and are replete with grammatical errors (i.e. page 2, first paragraph and the first two lines of the abstract.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claim 5 is objected to because of the following informalities: In the first line, the claim should read the article according to claim 1, not claims 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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With respect to claim 1, the applicant has claimed absorbent core configured substantially in a longitudinally oriented. It is unclear if this should be a longitudinally oriented direction, line, space, etc.

Claim 4 recites the limitation "the remaining region" in lines 4 – 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1 – 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizutani et al. (US 5,795,345).

As to claim 1, Mizutani et al. (hereinafter referred to as "Mizutani") discloses a disposable body fluids absorbent article (1) comprising a liquid absorbent core (4) having an upper surface covered with a liquid-pervious topsheet (2) wherein the core includes depressed regions (5) tapering from the upper surface toward the lower surface and lying along a pair of imaginary lines extending in the longitudinal direction so as to describe convex curves respectively facing a center line bisecting a width of the liquid absorbent core as set forth in figure 1.

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With reference to claim 2, Mizutani discloses the depressed regions (5) continuously extending along said imaginary lines as set forth in figure 1.

With respect to claim 3, Mizutani discloses an article wherein the depressed regions intermittently extend along the imaginary line as set forth in col. 2, lines 24 – 35.

Regarding claim 4, Mizutani discloses an article wherein the core contains a fibrous component (col. 3, lines 27 – 29) and a density of the fibrous component (8) is equal to or lower than a density of the fibrous component in the remaining region (9) as set forth in col. 2, lines 40 – 43.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al. (US 5,795,345).

As to claim 5, Mizutani discloses an article wherein the core further contains superabsorbent polymer particles as set forth in col. 3, lines 27 – 29.

Absent of critical teaching and/or a show of unexpected results derived from the use of superabsorptive polymer particles distributed only in a region defined inside the imaginary lines, the examiner contends that it would have been an obvious matter of design choice to limit the use of the superabsorbent particles within this region, and that

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this structure would not patentably distinguish the claimed invention from the prior art invention of Mizutani.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele M. Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday thru Friday, 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John G. Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Michele Kidwell
May 22, 2001


GLENN K. DAWSON
PRIMARY EXAMINER